

**REMARKS**

Please reconsider this application in view of the following remarks.

- Claims 1-4, 8, 10, 12-14, and 16-23 are pending.
- Claims 1-4, 10, 12, and 18-20 are rejected.
- Claims 8, 13, 14, 16, 17, and 21-23 are withdrawn from consideration.

The current response does not amend the claims.

**Drawings**

37 CFR § 1.81 requires a drawing when necessary for the understanding of the invention. See, for example, 37 CFR § 1.81(a). The language that the Examiner uses "admits of illustration by a drawing to facilitate the understanding of the invention" comes from the optional language of § 1.81(b), which describes what a drawing may contain not whether or not a drawing is required. Applicants believe that a drawing is not necessary for understanding the current invention. The Examiner must agree with this because the Examiner was able to issue two previous office action communications without a drawing and therefore must have understood the invention without a drawing.

Since a drawing is not necessary for understanding the current invention, Applicants decline to provide a drawing.

**Art rejections**

The Examiner specifically said in the Office Action mailed on 30 January 2003, that

Fearnot et al. does not disclose expressly a coating including a first region having a component for reducing or preventing the formation of thrombi and a second region having a component for reducing or preventing

**BEST AVAILABLE COPY**

infiltration of macrophages in the thrombi, wherein the second region of the coating is positioned beneath the first region.

Page 3 of Office Action, 1<sup>st</sup> full paragraph. (Emphasis added).

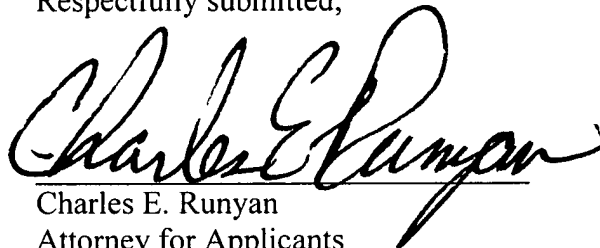
But in the most recent Office Action, the Examiner contends that Fearnot discloses all of the limitations of Claim 1 even though Claim 1 was not amended in the previous Office Action response. Moreover, in the instant Office Action, the Examiner illustrates where each of a variety of limitations can be found in Fearnot, except for the limitation that **“the second region of the coating is positioned beneath the first region”**. Applicants take no position on the correctness of the Examiner's identification of the other limitations, but note that the Examiner is silent on the limitation related to region positioning.

Furthermore, the Examiner has not provided the courtesy of explaining how the Office's previous position on Fearnot is now in error. Currently, the Examiner is on record as having stated that Fearnot teaches all of limitations of claim 1 and as saying Fearnot does not teach all of limitations of claim 1. Please point out where in Fearnot limitations related to region positioning, as discussed above, can be found.

In view of all of this, the Examiner classifies the current Office Action as final, even though the Examiner makes a new art rejection. Please remove the finality of the current Office Action.

Since all claims are in a condition for allowance, please issue a Notice of Allowability so stating. If I can be of any help, please contact me.

Respectfully submitted,



Charles E. Runyan  
Attorney for Applicants  
Reg. No. 43,066

Date: 18 December 2003

Squire, Sanders & Dempsey L.L.P.  
One Maritime Plaza  
Suite 300  
San Francisco, CA 94111  
Facsimile (415) 393-9887  
Telephone (415) 954-0235  
crunyan@ssd.com

**BEST AVAILABLE COPY**